

Assisted Suicide Is Bootleg Suicide

Commentary

Los Angeles Times, November 23, 2001

By Thomas Szasz

Atty. Gen. John Ashcroft has said that his office won't recognize Oregon's Death With Dignity Act, which allows doctors to prescribe lethal drugs for certain patients. Declaring that physician-assisted suicide "was not a 'legitimate medical purpose' for prescribing drugs," Ashcroft warned: "Any doctor who prescribes such drugs, even one acting under all terms of the Oregon law, can face revocation of his or her license."

On Tuesday, a federal judge in Oregon extended a court order that stops Ashcroft from dismantling the law until the state can prepare arguments defending it. Liberals, who revere medical paternalism, condemn Ashcroft's move. Yet classic liberals and libertarians who respect the rule of law should applaud it. "Decisions about when and how to die are best left to patients ... not legislators," wrote Jerome Groopman of Harvard.

I agree and wish it were so.

The truth is that psychiatrists routinely prescribe involuntary "treatment" for patients whom they consider dangerous to themselves. Physician-assisted suicide laws permit doctors to write prescriptions for lethal drugs under certain circumstances. Supporters of such laws misrepresent them as permitting patients to decide when they want to die.

A so-called self-regarding act--such as self-medication and self-killing--is either a right or not a right, legal or illegal. If it is not a right, then, in our society, it will be treated as a crime or a mental illness or both.

Prior to 1914, self-medication was a right; now, it is both a disease and a crime. Prior to the 18th century, suicide was both a sin and a crime; now, suicide and wanting or planning to commit suicide are considered diseases and quasi-crimes. Mental health laws and the "standard of psychiatric care" require psychiatrists to restrain and prevent the "patient-offender" from killing himself, and other parties are prohibited by law from "assisting" in the act.

Suicide ought to be a basic human right. I believe that killing oneself with illegal drugs prescribed specifically for that purpose is not legitimate medical practice. It is bootlegging suicide.

Bootlegging is likely to occur whenever a law prohibits a human need strong enough to incite people to satisfy it, even at considerable economic cost and personal risk. Bootlegging carries the connotation that the law being violated deserves disrespect because it frustrates the satisfaction of a human need so basic and peaceful that it ought to be recognized as a right. Hiding Jews from the Nazis is an example of a morally praiseworthy violation of criminal law.

Instead of acknowledging that drug use, the death penalty and suicide are moral issues, some people seek to achieve their particular goals by turning each issue into a legal battle between states' rights and federal law. The medical marijuana issue has been litigated all the way to the Supreme Court, which ruled in May that federal drug laws did not provide an exception for the medical use of marijuana, despite voter initiatives allowing it in several states. Now, advocates of "medical suicide" contend that Ashcroft "has grossly exceeded the terms of the federal controlled-substances law."

Physician-assisted suicide--the "solution" as well as the "problem"--is but one of the consequences of our drug laws. Like every product of nature and human invention, drugs may be abused. Against that hazard, self-control is the only effective remedy.

The American people are ceaselessly propagandized about the real dangers from which drug prohibitions are intended to protect us. The damage the prohibitions cause are glossed over in silence or, more often, are unrecognized. We avoid confronting problems of living as moral problems and choose instead to treat them as medical problems. It is not a good choice.

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